UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Phillip L. Rosemann, et. al.	)	
	)	
Plaintiff's,	)	
	)	Case No. 4:10-cv-01165-DJS
vs.	)	
	)	
Martin Sigillito, et. al.	)	Judge: Honorable Linda R. Reade
	)	(Chief Judge Dist. Ct. N. Dist. Iowa)
Defendant's	)	
	)	

LEAVE TO FILE FIRST AMENDED COMPLAINT

COME NOW plaintiffs and (with consent of defendant Martin Sigillito) seek leave

to file an amended complaint and in support state the following unto this Honorable Court:

Plaintiffs have been denied any substantive discovery due to the pending criminal

investigation. Defendant Martin Sigillito lacks any documents to respond to plaintiffs request

because every document he previously possessed was seized by the government in a pending

criminal investigation. Also, because of the ongoing criminal investigation, defendant Martin

Sigillito has rightly stipulated that he would plead the Fifth Amendment at any deposition.

He has also pleaded the Fifth Amendment in his answer and initial disclosure. Other potential

defendants and witnesses have similarly refused to provide any information (document or

oral) because of the pending criminal investigation.

Clearly, the plaintiffs are not prevented at present from proceeding with summary

judgment against named defendant Martin Sigillito and plaintiffs will move for summary

judgment against him shortly (affidavits in support from sixty plaintiffs are being assembled).

However, the complaint provided for Doe defendants and recently, plaintiffs uncovered document information from the SEC that connects Paul Vogel, one of the brokers that obtained loans in the investment scheme for a fee for Martin Sigillito, with a joint venture with Enterprise bank to bring them business, i.e., transfer of the English loans to Enterprise Bank. Because Paul Vogel is a former directed of the trust department at Enterprise Bank, his involvement in the investment scheme and the banks involvement with many Individual Retirement Accounts permits liability of the failed England investment scheme for which Enterprise Bank participated with.

Accordingly, plaintiffs seek leave to amend to name additional defendant (including additional) counts. Rule 15 provides that leave to amend "should freely give leave when justice so requires." Since the statute of limitations has not run, plaintiffs could simply file a parallel complaint; however, the same would ultimately be transferred to this court.

This amendment is being filed with consent of defendant Martin Sigillito and both plaintiffs and defendant Martin Sigillito do not seek to change any of the dates established in this courts case management order. Clearly, these dates may change once the additional defendants enter the case; however, delaying the trial when every defendant is pleading silence and non-cooperation under the guise of the Fifth Amendment makes delay due to discovery a hollow right. Clearly, they have such a constitutional right to plead the Fifth Amendment; however, there is no reason to delay adding additional defendant, nor is there any reason to halt the date of the presently scheduled trial simply because additional defendants are now being added. Nonetheless, the dates of the same are clearly up to this courts discretion.

WHEREFORE, for the many reasons state above, plaintiffs seek leave to file an amended complaint.

Respectfully submitted,

Sebastian Rucci

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CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2011 a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties via the Court's electronic filing system and parties may access this filing through the Court's Case management/Electronic Case Files (CM/ECF) found on the internet at https://ecf.moed.uscourts.gov.

Sebastian Rucci

Sebastian Rucci (Eastern Dist Reg. No. 76207)